

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CARDIOFOCUS, INC.,

Plaintiff,

v.

TRIMEDYNE, INC.; CANDELA
CORPORATION; CARDIOGENESIS
CORPORATION; CONVERGENT LASER
TECHNOLOGIES; IPG PHOTONICS
CORPORATION; LASERSCOPE; NEW
STAR LASERS, INC.;

Defendant.

Case No. 1:08-cv-10285 NMG

ORDER OF DISMISSAL UNDER FED.R.CIV.P. 41(a)(1)

Plaintiff, CardioFocus, Inc. ("CardioFocus"), and defendants, Xintec Corporation (d/b/a/ Convergent Laser Technologies) ("Xintec") and Trimedyne, Inc. ("Trimedyne") have informed the Court that they have reached agreement on the terms and conditions of settlement, and have entered into a written settlement agreement, and that this settlement agreement requires CardioFocus, Xintec and Trimedyne ^{to} mutually dismiss their claims and counterclaims against each other. Accordingly, IT IS HEREBY ORDERED THAT:

1. The Court has jurisdiction over the subject matter of this action and over plaintiff, CardioFocus, and defendants, Xintec and Trimedyne.
2. All claims brought by CardioFocus against Xintec and Trimedyne are hereby dismissed with prejudice.
3. Any claims and counterclaims of CardioFocus against the remaining defendants are not part of the settlement between CardioFocus, Xintec and Trimedyne and shall remain in full force and effect.

4. The parties, CardioFocus, Xintec and Trimeddyne, shall each bear their own costs and attorneys' fees.

SO ORDERED:

Dated: 12/23/10

Nathaniel M. Gorton
United States District Judge